

January 31, 2008

Honorable Jeremy Fogel
United States District Court
Northern District of California
280 South 1st Street
San Jose, California 95113

FILED

FEB 11 2008

CLERK
NORTHERN
COURT
CALIFORNIA

Re: Huhtamaki Finance, B.V., et. al. v. Kenneth Affolter; Case
No. C07-02514 ^{IF} RS

Motion for Continuance or to Dismiss

Your Honor:

Please consider this letter a motion for a continuance or to dismiss the above captioned matter.

I have been incarcerated since March 16, 2006 and am currently in Federal Prison at the Federal Correctional Institution located at 3600 Guard Road, Lompoc, California 93436. My earliest release date is April 17, 2011.

Plaintiff has brought a motion for default judgement and I wish to have an opportunity to be heard in open court and on the record. Since this is not possible because of my incarceration, I respectfully request a postponement or continuance until I am released from prison.

Alternatively, I also request the court dismiss the complaint as vague and lacking specificity. Plaintiff alleges trademark infringement yet fails to allege specific instances of infringement giving notice to me of what they allege

occurred, allowing me to prepare an adequate defense.

Further, plaintiff alleges damages that are speculative at best, since no actual damages are plead or alleged to have be suffered by plaintiffs.

Because of this vagueness, I contend there exists no claim upon which relief can be granted, and the complaint should be dismissed.

Thank you for any consideration spent in my behalf.

Respectfully submitted,

A handwritten signature in cursive script, reading "Kenneth D. Affolter".

Kenneth D. Affolter #93480-111

FCI Lompoc

3600 Guard Rd.

Lompoc, CA 93436-2705

cc. Mr. Vito A. Costanzo, Attorney for the Plaintiff

633 West Fifth Street, 21st Floor

Los Angeles, CA 90071-2040

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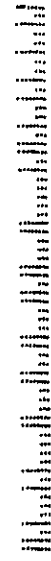
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San Jose, CA 95113



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7006 0100 0003 3708 0524

NAME: Kenneth A. Fogel
REG #: 0093480-11
FEDERAL CORRECTIONAL INSTITUTION
3600 GUARD RD
LOMPOC, CA 93436



CERTIFIED MAILTM
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE